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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHEASTERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Eloise K. Hahn, P.E., R.E.M.

Plaintiff

Case No. 08CV2333

VS,

Assigned Judge: Judge Coar

U.S. EPA Region 5  
Peter Swenson, Chief NPDES Programs Branch, USEPA  
Alan Nudelman, USEPA, Water Division  
Merry Jackson, NPDES Programs Branch, USEPA  
Tinka Hyde, Acting Water Division Director, USEPA

Defendants


**FILED**  
May 14 2008  
MAY 14 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

**NOTICE OF MOTION**

On May 15, 2008, at 9 a.m. or as soon after thereafter as counsel may be heard, I shall appear before the Honorable Judge Coar in Courtroom 1419 at The United States District Court Northern District of Illinois, Eastern Division, 219 S. Dearborn Street, Chicago, Illinois, and present the EEO Counselor's Initial Interview Form from the USEPA Region5 Office of Civil Rights.

Respectfully submitted,

  
**Eloise K. Hahn, P.E., R.E.M.**  
Eloise K. Hahn, P.E.  
1631 S. Clarence Av; Apt. 1  
Berwyn, IL 60402  
(708) 484-2169, home



WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

EEO COUNSELOR'S INITIAL INTERVIEW FORM																										
1. NAME OF AGGRIEVED INDIVIDUAL - FULL NAME: Eloise Hahn																										
STREET ADDRESS (OR POST OFFICE BOX NUMBER) 77 West Jackson																										
CITY Chicago	STATE Illinois	ZIP CODE 60604																								
3. WHICH OFFICE DO YOU BELIEVE DISCRIMINATED AGAINST YOU? EPA Region 5		4. ARE YOU NOW WORKING FOR THE FEDERAL GOVERNMENT? <input checked="" type="checkbox"/> YES (ANSWER A, B, C AND D BELOW) <input type="checkbox"/> NO (CONTINUE WITH QUESTION 5)																								
A. NAME OF OFFICE WHICH YOU BELIEVE DISCRIMINATED AGAINST YOU: Water Division		A. NAME OF AGENCY/DIVISION WHERE YOU WORK: B. Water Division																								
B. STREET ADDRESS OF OFFICE: 77 West		B. STREET ADDRESS OF YOUR AGENCY/DIVISION: 77 West Jackson																								
C. CITY	STATE	ZIP CODE																								
C. CITY		D. WHAT IS THE TITLE, SERIES, AND GRADE OF YOUR JOB? Environmental Engineer																								
5. DATE ON WHICH MOST RECENT ALLEGED DISCRIMINATION TOOK PLACE: MONTH: 3 DAY: 27 YEAR 2008		6. NAME AND ADDRESS OF REPRESENTATIVE:																								
7. WHICH BASES APPLY - WHY THE AGGRIEVED INDIVIDUAL BELIEVES THEY WERE DISCRIMINATED AGAINST? <input type="checkbox"/> RACE, STATE THE AGGRIEVED INDIVIDUAL'S _____ <input type="checkbox"/> COLOR, STATE THE AGGRIEVED INDIVIDUAL'S COLOR _____ <input type="checkbox"/> RELIGION, STATE THE AGGRIEVED INDIVIDUAL'S RELIGION _____ <input checked="" type="checkbox"/> SEX, STATE THE AGGRIEVED INDIVIDUAL'S SEX <u>White Female</u> <input type="checkbox"/> NATIONAL ORIGIN, STATE THE AGGRIEVED INDIVIDUAL'S NATIONAL ORIGIN _____ <input type="checkbox"/> AGE, STATE THE AGGRIEVED INDIVIDUAL'S DATE OF BIRTH _____ <input type="checkbox"/> DISABILITY, STATE THE AGGRIEVED INDIVIDUAL'S DISABILITY _____ <input checked="" type="checkbox"/> RETALIATION, STATE THE AGGRIEVED INDIVIDUAL'S CLAIM <u>Previous claims of discrimination and harassment dating back to the year 2002</u> <i>(Complaints of discrimination because of age apply only to employees or applicants who are at least 40 years of age at the time of the alleged discriminatory actions.)</i>																										
8. EXPLAIN HOW THE AGGRIEVED INDIVIDUAL BELIEVES THEY WERE DISCRIMINATED AGAINST (For each allegation, please state the information and belief <u>what</u> incident occurred and <u>when</u> the incident occurred. You may continue your answer on another sheet of paper if you need more space.) <table border="0"><tr><td>( ) Appointment</td><td>( ) Suspension</td><td>( ) Retirement</td></tr><tr><td>( ) Awards</td><td>( ) Termination</td><td>(X) Time and Attendance</td></tr><tr><td>( ) Duty Hours</td><td>( ) Training</td><td>( ) Working Conditions</td></tr><tr><td>(X) Harassment (Non-Sexual)</td><td>( ) Assignment of Duties</td><td>( ) Evaluation / Appraisal</td></tr><tr><td>( ) Harassment (Sexual)</td><td>( ) Conversion to Full Time</td><td></td></tr><tr><td>( ) Promotion</td><td>( ) Examination - Test</td><td></td></tr><tr><td>( ) Reassignment</td><td>( ) Pay (Including Overtime)</td><td></td></tr><tr><td>( ) Reprimand</td><td>( ) Reinstatement</td><td></td></tr></table>			( ) Appointment	( ) Suspension	( ) Retirement	( ) Awards	( ) Termination	(X) Time and Attendance	( ) Duty Hours	( ) Training	( ) Working Conditions	(X) Harassment (Non-Sexual)	( ) Assignment of Duties	( ) Evaluation / Appraisal	( ) Harassment (Sexual)	( ) Conversion to Full Time		( ) Promotion	( ) Examination - Test		( ) Reassignment	( ) Pay (Including Overtime)		( ) Reprimand	( ) Reinstatement	
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( ) Reprimand	( ) Reinstatement																									
9. NAME OF COUNSELOR: 10. Timothy Carter																										
10. WHAT CORRECTIVE ACTION IS THE AGGRIEVED INDIVIDUAL SEEKING? (If additional space is needed, use separate sheet.) 1.																										

<b>EEO COUNSELOR'S INITIAL INTERVIEW FORM</b>		(Continued - page 2)
<b>11. DATE OF THIS INTERVIEW:</b> MONTH: April DAY 25th YEAR: 2008		
<b>12. DATE OF ALLEGED DISCRIMINATORY INCIDENT:</b> Continuous Harassment, Concerned about being terminated		<b>13. DATE COUNSELOR MADE AWARE OF THE MATTER:</b> 14. May 7, 2008, EEO Counselor Assigned
<b>14. DATE OF FIRST INTERVIEW WITH AGGRIEVED INDIVIDUAL:</b> To be scheduled with Counselor		<b>15. AGGRIEVED INDIVIDUAL WAIVE ANONYMITY?:</b> (X ) YES ( ) NO
<b>16. HAS THIS ALLEGED INCIDENT BEEN FILED UNDER ANOTHER PROCEDURE?</b> (X ) YES ( ) NO		<b>17. IF YES, CHECK APPROPRIATE BOX BELOW:</b> ( ) ADMINISTRATIVE GRIEVANCE ( ) M. S. P. B. (X ) UNION NEGOTIATED GRIEVANCE ( ) OTHER (SPECIFY)
<b>18. IF FILED UNDER ANOTHER PROCEDURE - STATUS</b> Informal Union Negotiated Grievance Process		<b>19. ADVICE PROVIDED IN OTHER PROCEDURE:</b>
<b>20. SUMMARIZE THE PROBLEMS AS THE AGGRIEVED INDIVIDUAL STATES THEM:</b> Complainant is concerned that Water Division management are attempting to terminate her employment at EPA. She states that she is being harassed by her supervisor and division management staff. She claims that she is receiving unequal pay and that she is being constantly docked AWOL.		
<b>22. AGGRIEVED INDIVIDUAL ADVISED OF: (CHECK APPROPRIATE BOX)</b> a. RIGHT TO REPRESENTATION (X ) b. COUNSELOR NEUTRALITY (X ) c. TIME CONSTRAINTS (X )		

ADDITIONAL INFORMATION (AS NEEDED)

Attachment of emails:

**Eloise Hahn/R5/USEPA/US**

**To**

**03/27/2008 10:45 AM**

**Subject I PLAN TO FILE EEOC COMPLAINT TOMORROW IN  
FEDERAL COURT HOUSE**

**PLEASE BE ADVISED THAT I WILL NEED TO SUBMIT TWO LEAVE SLIPS AND REVISE PEOPLE PLUS NOW DUE TO PETER'S HARRASSMENT THAT I WAS AWAY FROM DESK ON BREAK. PLEASE BE ADVISED ASH AND QUINTIN NEED TO BEGIN SUBMITTING LEAVE SLIPS FOR THEIR BREAKS.**

**I CANNOT TAKE THE ONGOING SEXUAL HARRASSMENT, UNEQUAL PAY, RETALIATION, ETC. THE AGENCY NEEDS TO BE SUED. I CANNOT GO ON BEING DISCRIMINATED. THAT IS IT.**

**THERE WILL BE A CHANGE IN PEOPLE PLUS JOYCE. PLEASE RECTIFY THE BOOKS**

Eloise Hahn/R5/USEPA/US

To

03/27/2008 09:35 AM

Subject Fw: WHY IS TSP NOT WITHHOLDING PAY FOR PENSION  
PAYMENTS

PLEASE BE ADVISED THAT YOUR OBSESSION TO DOCK MY PAY CONSISTENTLY HAS  
RELENTLESSLY FORCED ME TO TAKE NUMEROUS FINANCIAL HARDSHIP WITHDRAWALS WHERE  
I AM NO LONGER ABLE TO CONTRIBUTE TO MY PENSION LEAVING ME A MERE \$30K FOR LIFE.  
WOW.....WHAT A GREAT PLACE TO WORK...\$30K FOR PENSION.....I GUESS I WILL BE ABLE TO  
LIVE OFF THIS AMOUNT FOR 3 MONTHS WHATABOUT THE REMAINING 20 YEARS OF LIFE?

--- Forwarded by Eloise Hahn/R5/USEPA/US on 03/27/2008 09:33 AM -----



Daphne

Lawrence/R5/USEPA/US

03/27/2008 09:13 AM

To Eloise Hahn/R5/USEPA/US@EPA

cc

Subject Re: WHY IS TSP NOT WITHHOLDING PAY FOR PENSION  
PAYMENTS

Ellie,

I remember you talking to me about taking a "TSP Financial Hardship Withdrawal." I do not remember the exact date and I do not have access to your TSP Account. However, the TSP Hardship Withdrawal is not a loan. When you withdraw money from your TSP account you have a six month period in which you can not contribute to the TSP and there is not match. The only money going into your TSP account during the six month period is the 1% Agency Contribution. You can contact the TSP Service Office directly at the following number:

1-TSP-YOU-FRST (1-877-968-3778)

### What are the rules for a financial hardship withdrawal? ▲

While you are employed by the Federal Government, you may be able to withdraw your own contributions and earnings for a financial hardship. The amount of the financial hardship withdrawal is limited to your financial need. You cannot withdraw less than \$1,000.

To be eligible for a financial hardship withdrawal, your financial need must result from at least one of the following four conditions: negative monthly cash flow, medical expenses (including household improvements needed for medical care), personal casualty losses, or legal expenses for separation or divorce.

To help you determine whether you have a negative monthly cash flow and the amount of the negative monthly cash flow, you can complete the worksheet that is provided with the Financial Hardship Withdrawal Request (Form TSP-76). To complete the worksheet, you will have to use financial information for yourself and, if you are married, your spouse. You will have to determine your monthly income (i.e., from employment, child support, and alimony) and expenses (i.e., housing, utilities, dependent care, alimony and child support, and installment loan payments for loans

other than TSP loans). The worksheet also provides factors to determine an allowance for ordinary household expenses based on income and family size. The allowance takes into account items such as food, clothing, health insurance premiums, entertainment, and other miscellaneous expenses. (Credit card payments are included in this allowance so they cannot be used in determining expenses.) You do not have to return the worksheet with your request for a financial hardship withdrawal.

Although you will not have to provide either income information or documentation to substantiate the financial hardship, you should retain this information and documentation for future reference because you will have to certify on the Form TSP-76, under penalty of perjury, that you have a genuine financial hardship and what the reason for the financial hardship is.

After making a financial hardship withdrawal, you cannot contribute to your TSP account for 6 months. If you are a FERS participant, you will not receive any Agency Matching Contributions for the period which you are not making employee contributions; however, you will continue to receive Agency Automatic (1%) Contributions. At the end of the 6-month period, your contributions will not resume automatically. You must make a contribution election on Form TSP-1 (or your agency's electronic version) and file it with your agency if you want to resume contributions. Your contributions will then be allocated according to your most recent contribution allocation. You are eligible to request another financial hardship withdrawal 6 months after your previous one.

Daphne B. Lawrence  
Human Resources Specialist (Labor Relations)  
(312) 886-7528  
Eloise Hahn/R5/USEPA/US

Eloise Hahn/R5/USEPA/US

03/27/2008 08:52 AM

To Daphne Lawrence/R5/USEPA/US@EPA  
cc

Subject WHY IS TSP NOT WITHHOLDING PAY FOR PENSION  
PAYMENTS

Daphne:

Please get back with me on subject question. Thanks.

Eloise Hahn/R5/USEPA/US To  
03/27/2008 08:45 AM

Subject WHY DO YOU KEEP DOCKING MY PAY?

May I ask why I was AWOL last pay period. The AWOL attributed to \$582 overdraft charges in my checking acct. If I may state I leave my home at 5:30 am and I don't return to 7:00 pm at night. A 14 hr day. Why do all the men get to work at home and not me? I must say a 14 hour day is somewhat extreme at 54 years old and almost 20 years of service here not to mention and additional 20 years of work at other employers. Why do you wish to destroy me?

*Incident*  
*3/27/08 -* *initiated*  
*4/25/08*

**Eloise Hahn/R5/USEPA/US**

**03/27/2008 08:39 AM**

**To Peter Swenson/R5/USEPA/US@EPA**

**cc Robert Thayer/R5/USEPA/US@EPA**

**bcc**

**Subject Re: absences** 

On March 25 I removed my leave slip for the morning because I was here. On March 26 I completed a leave slip for 3 hrs. absence in the morning.

**Peter Swenson/R5/USEPA/US**

**Peter  
Swenson/R5/USEPA/US**

**03/26/2008 05:30 PM**

**To**

**Subject absences**

**Ellie**

Please provide to me, as soon as possible, a written explanation of your unexcused absences of March 25th and March 26th.

**Peter**



Eloise Hahn/R5/USEPA/US

To

07/18/2007 03:54 PM

Subject Performance Review Summary-Eloise Hahn

This mid-year 2007 I reviewed 8 permits, numerous MADi requests and assisted Ash Sajjad on the O&M rewards. As part of my review I organized his files, spent my own money in buying sups and ranked the municipalities for discussion. I also wrote several Fact Sheets. As far as permit reviews go I was the most outstanding team member yet I only earned a fraction of what I should make for someone on my level. To be frank, I netted \$19,639.10 for the past 6 months or \$3,273/month. I should be making \$7,043 per month gross. Comparatively I earned \$33,186 gross or \$5,531 per month. This amount is 22.5% less. A lot of my

time I was sidetracked by numerous memorandums which I had to defend myself on, including a false arrest and suspension notice. These notices have placed me under considerable mental, physical and monetary distress, particularly supporting 3 people on this meager salary.